WHITE PAPER

ON A PROPOSED

CODE OF ETHICAL CONDUCT

FOR SASKATCHEWAN PUBLIC OFFICE HOLDERS

March, 1986

Honourable Grant Devine
Premier of Saskatchewan

White Paper on a Proposed Code of Ethical Conduct for Saskatchewan Public Office Holders

This government has stated a commitment on a number of occasions to the development of conflict of interest guidelines for Ministers and Legislative Secretaries. In meeting this commitment, the purpose of this White Paper is to solicit public response and representation from interested individuals and organizations on a proposed Code of Ethical Conduct and related Conflict of Interest Guidelines for elected public office holders in Saskatchewan.

The proposed Code of Ethical Conduct sets out seven basic principles which this government believes should govern the behavior of public office holders in the conduct of their duties. The proposed Conflict of Interest Guidelines define specific requirements for Cabinet Ministers and Legislative Secretaries in order to avoid actual or potential conflict of interest situations.

Suggestions, views and opinions on the proposed Code of Ethical Conduct and Conflict of Interest Guidelines are welcome.

It is our intention to appoint an eminent person to conduct hearings throughout the Province on the proposed Code and Guidelines and based on input from these hearings, make appropriate amendments to the Code and Guidelines and put them into effect.

Honourable Grant Devine
Premier of Saskatchewan

Saskatchewan

Code of Ethical Conduct

for

Public Office Holders

The people of Saskatchewan have a right and expectation of effective and efficient government and to be treated with impartiality, fairness and equality in their dealings with government. In order to ensure maintenance of public confidence in government, citizens must be assured that decisions of public importance will not be influenced by private considerations and that public office will not be used for personal gain. The public trust rests on a belief that those in public office will conduct themselves in an ethical manner.

In furtherance of these beliefs, the following principles shall be binding on each public office holder in Saskatchewan:

Principles

(1) Persons holding public office in Saskatchewan must not only act within the law, they have a further obligation to act in a manner that will bear the closest public scrutiny.

(2) Any conflict between the private interests of public office holders and their official duties must be resolved in favour of the public interest. Upon appointment and while in office, public office holders are expected to arrange their private affairs in a manner that will prevent conflicts of interest from arising.

(3) Public office holders shall neither solicit gifts or other benefits, nor, other than for incidental gifts or customary hospitality of nominal value, accept transfers of funds, gifts or other benefits from private sources.

(4) Public office holders shall not step out of their official roles to assist private entities or persons in their dealings with the Government of Saskatchewan where this would result in treatment which would not be available to others under similar circumstances.

(5) Public office holders shall not take personal advantage of or private benefit from information obtained in the course of their official duties.

(6) Public office holders shall not directly or indirectly use, or allow the use of government property of any kind, including property leased to the government, for anything other than officially approved activities.

(7) Public office holders shall not engage in personal conduct which exploits for private reasons or personal gratification their position of authority, or which would tend to discredit the professionalism of the public service.

This Code shall be binding on Ministers and Legislative Secretaries. For purposes of this Code, a "public office holder" means Ministers and Legislative Secretaries.

While conflict of interest guidelines have existed since 1981 for Saskatchewan Public Employees, guidelines have now been developed for Ministers and Legislative Secretaries to assist them in adhering to the Code of Ethical Conduct.

These guidelines are in addition to and do not supersede any statutes which apply to public office holders.

Saskatchewan

Code of Ethical Conduct

Conflict of Interest Guidelines

for

Cabinet Ministers

and

Legislative Secretaries

These guidelines have been developed to assist Cabinet Ministers and Legislative Secretaries in adhering to the spirit and intent of the Saskatchewan Code of Ethical Conduct for Public Office Holders.

The range and complexity of government activities is such that it is not possible to produce a list of prohibitions which permit uniform application. The sections below are not intended to be exhaustive and if questions arise they should be settled in accordance with the general principles of the Code of Ethical Conduct.

A conflict of interest is any situation in which a public office holder, either for himself/herself or some other person(s), attempts to promote a private or personal interest which results or appears to result in the following:

(i) an interference with the objective exercise of his/her official duties.

(ii) a gain or an advantage by virtue of his/her official position.

1. Administration

1.1 These guidelines are applicable to all members of Cabinet and Legislative Secretaries herein referred to as "Elected Public Office Holders".

1.2 The responsibility for administration of these guidelines rests with the Cabinet Secretary and through him or her to the Premier.

1.3 These guidelines are in addition to but do not supersede the provisions of the Members of the Legislative Assembly Conflict of Interests Act or any other statute pertaining to Saskatchewan Public Officials.

2. Investment and Management of Private Assets

2.1 Elected Public Office Holders, upon appointment, shall report in writing to the Premier through the Cabinet Secretary, all their assets and liabilities to the best of their knowledge (except as noted in section 2.3 below) and update the reports at the beginning of each calendar year. These reports and updates are confidential and between the Premier, Cabinet Secretary and the Minister or Legislative Secretary concerned. Each new Elected Public Office Holder shall make the report within 60 days of appointment.

2.2 Elected Public Office Holders, upon appointment, must file for public inspection with the Clerk of Executive Council a statement showing (except as noted in 2.3 below):

(a) A legal description of all land in Saskatchewan, in which they or their families have any direct or indirect interest, whether as owner, lessee, mortgagee, unpaid vendor, shareholder of a private company or otherwise.

(b) The names of all private companies doing business in Saskatchewan in which they or their families have an interest.

(c) A description of all proprietorships and partnerships doing business in Saskatchewan in which they or their families have an interest.

The statements must be kept up to date by filing amendments at the time of any additions or deletions.

Families are defined to include the Elected Public Office Holder's spouse and minor children.

2.3 Other than as may be required by these guidelines and The Members of the Legislative Assembly Conflict of Interests Act, an Elected Public Office Holder is not required to disclose assets and liabilities that are unlikely to result in real, potential or apparent conflicts of interest. These include:

(a) land and interests in land used or intended for use as residences or recreational use by Elected Public Office Holders and their families;

(b) household goods;

(c) personal effects;

(d) objects of art, stamp and coin collections, antiques and jewelery;

(e) automobiles, pleasure craft, aircraft and other means of transport for Elected Public Office Holders' and their families' personal use;

(f) cash and deposits.

(g) Federal and Provincial bonds, savings bonds and treasury bills;

(h) RRSP's other than self-administered plans; self-administered plans that consist solely of assets mentioned in this section;

(i) GIC and similar investments;

(j) income averaging and other annuities;

(k) open-ended mutual funds;

(l) pension rights;

(m) life insurance;

(n) money owed by previous employers, clients or partners;

(o) personal loans to individuals connected to the Elected Public Office Holder by blood relationship, marriage or adoption;

(p) personal loans to any other individual less than $5,000 in aggregate for each such individual;

(q) debts owing to any person less than $5,000 in aggregate in respect of any one creditor.

(r) debts less than $100,000 secured by a mortgage on a house or recreational property.

2.4 Elected Public Office Holders shall not own, directly or indirectly, shares in any public company whose business may be materially affected by business of the Government of Saskatchewan. If such shares are owned, then the Elected Public Office Holder at the direction of the Premier, must either:

(a) dispose of the shares at arms length; or

(b) place the shares in a blind trust in which the individual can exercise no influence whatsoever over the investment or management decisions of the trust, all such decisions to be at the discretion of the trustee.

2.5 No Elected Public Office Holder should undertake, either directly or indirectly, any contract under the Government of Saskatchewan, except as specifically provided in the Members of the Legislative Assembly Conflict of Interests Act.

3. Outside Employment or Business Activity

3.1 Elected Public Office Holders shall not, outside of their official duties:

a) on a day to day basis practice any profession or actively manage or operate any business or commercial activity, if there is likely to result or be seen to result therefrom a conflict with their duties;

b) serve as consultants for reward;

c) retain or hold directorships or offices in any financial or commercial corporation.

3.2 Elected Public Office Holders may with the written approval of the Premier, retain or accept directorships in organizations of a philanthropic, charitable or non-commercial character, but shall take great care to prevent any conflict of interest from arising.

4. Participation in Decisions Which May Have Personal Consequences.

4.1 If a matter comes before a meeting of Cabinet in respect of which a Minister has or appears to have directly or indirectly a personal or pecuniary conflict of interest, he or she shall report that fact to Cabinet and shall not participate in any decision respecting the matter.

4.2 If a matter comes before a Minister in respect of which he or she is by an Act or Regulation given authority or is required to do any act or thing or exercise a discretion and the Minister has or appears to have directly or indirectly a personal or pecuniary conflict of interest in respect of the matter, the Minister shall report that fact to the Premier and another Minister shall be designated to act for him or her in the exercise of the authority or discretion or performance of the duty.

4.3 If a Legislative Secretary becomes involved in any decision in respect of which he or she has or appears to have directly or indirectly a personal or pecuniary conflict of interest, he/she shall report that fact to the Premier through the Minister responsible and shall not participate in any decision respecting the matter.

5. Preferential Treatment

5.1 Elected Public Office Holders shall not give preferential treatment to family or close associates in relation to any official matter.

6. Acceptance of Gifts

6.1 An Elected Public Office Holder should not accept personal gifts, favors or benefits from any individual, organization or corporation other than:

a) the normal exchange of gifts between friends and family.

b) the normal exchange of hospitality between persons doing business together.

c) tokens exchanged as part of protocol.

d) the normal presentation of gifts to persons participating in public functions.

7. Use of Confidential Information

7.1 Elected Public Office Holders must not take personal advantage of information obtained in the course of their official duties.

8. Private Use of Government Property

8.1 Elected Public Office Holders must not directly or indirectly use, or allow the use of government property of any kind including property leased to the government for anything other than officially approved activities.